

EXHIBIT 29

From: John Wilkinson [jwilkinson@southernwing.com]
Location: John's office
Importance: Normal
Subject: Maria's PIP meeting
Start Time: Wed 1/11/2017 3:30:00 PM (UTC)
End Time: Wed 1/11/2017 4:30:00 PM (UTC)
Required Attendees: John Wilkinson; Maria Suarez; Elizabeth Toohig
Optional Attendees: Maria Suarez

To review and completed our last meeting from Beth’s office two weeks ago

From: Elizabeth Toohig [etoo@southernwine.com]
Attendees: Elizabeth Toohig
Location: John's Office
Importance: Normal
Subject: Maria Suarez - Training Review
Start Time: Fri 10/28/2016 1:00:00 PM (UTC)
End Time: Fri 10/28/2016 1:30:00 PM (UTC)
Required Attendees: Elizabeth Toohig

To: Elizabeth Toohig[etoozig@southernwine.com]
From: Case 2:19-cv-07271-GRB-LGD Document 39-31 Filed 01/03/23 Page 3 of 83 PageID #: 650
Sent: Andrea Metzger[AndreaMetzger@southernwine.com]
Sent: Wed 9/6/2017 7:37:49 PM (UTC)
Subject: FW: Maria Suarez

FYI

Andrea Metzger, PHR, SHRM-CP

Human Resources Manager



345 Underhill Boulevard
Syosset, NY 11791
Phone: (516) 730-8409
Fax: (516) 977-1735

From: Shanieka Jean-Charles
Sent: Wednesday, September 06, 2017 3:35 PM
To: Andrea Metzger <AndreaMetzger@southernwine.com>
Subject: RE: Maria Suarez

It was just something I overlooked.

Shanieka M. Jean-Charles

Human Resources Generalist



313 Underhill Blvd
Syosset, NY 11791
Office: 516.730.3247
Fax: 516.730.8266

From: Andrea Metzger
Sent: Wednesday, September 06, 2017 3:34 PM
To: Shanieka Jean-Charles <shaniekajeancharles@southernwine.com>
Subject: RE: Maria Suarez

Ok - What was going on last week that prevented you from meeting with John?

Andrea Metzger, PHR, SHRM-CP

Human Resources Manager



345 Underhill Boulevard
Syosset, NY 11791
Phone: (516) 730-8409
Fax: (516) 977-1735

From: Shanieka Jean-Charles
Sent: Wednesday, September 06, 2017 3:19 PM
To: Andrea Metzger <AndreaMetzger@southernwine.com>
Subject: RE: Maria Suarez

I haven't met with him. Will do so asap

Shanieka M. Jean-Charles

Human Resources Generalist



313 Underhill Blvd
Syosset, NY 11791
Office: 516.730.3247
Fax: 516.730.8266

From: Andrea Metzger
Sent: Wednesday, September 06, 2017 3:01 PM
To: Shanieka Jean-Charles <shaniekajeanchares@southernwine.com>
Subject: FW: Maria Suarez

Hi Shanieka,
Did you meet with John about these emails?

Andrea Metzger, PHR, SHRM-CP

Human Resources Manager



345 Underhill Boulevard
Syosset, NY 11791
Phone: (516) 730-8409
Fax: (516) 977-1735

From: John Wilkinson
Sent: Tuesday, August 29, 2017 6:00 PM

CONFIDENTIAL

SGWS 001868

To: Shanieka Jean Charles <shaniekajeancharles@southernwine.com>; Andrea Metzger <AndreaMetzger@southernwine.com>
Cc: Tonisha Durant <tdurant@southernwine.com>; Kevin Randall <krandall@SOUTHERNWINE.com>
Subject: Maria Suarez

Would either of you be able to meet to discuss Maria's constant errors when it comes to WMI. I have attached 2 emails.

John Wilkinson

Director of Warehouse

Southern Wine & Spirits of New York, Inc.

Direct 516-730-3677

Mobile 516-592-1122

To: Elizabeth Toohig[etoohig@southernwine.com]
From: Andrea Metzger[AndreaMetzger@southernwine.com]
Sent: Wed 9/6/2017 7:34:47 PM (UTC)
Subject: FW: Maria Suarez
RE: 79019 GREY GOOSE VODKA 80
RE: Blind Fill case pick

FYI

Andrea Metzger, PHR, SHRM-CP
Human Resources Manager



345 Underhill Boulevard
Syosset, NY 11791
Phone: (516) 730-8409
Fax: (516) 977-1735

From: John Wilkinson
Sent: Tuesday, August 29, 2017 6:00 PM
To: Shanika Jean-Charles <shaniekajeancharles@southernwine.com>; Andrea Metzger <AndreaMetzger@southernwine.com>
Cc: Tonisha Durant <tdurant@southernwine.com>; Kevin Randall <krandall@SOUTHERNWINE.com>
Subject: Maria Suarez

Would either of you be able to meet to discuss Maria's constant errors when it comes to WMI. I have attached 2 emails.

John Wilkinson
Director of Warehouse
Southern Wine & Spirits of New York, Inc.
Direct 516-730-3677
Mobile 516-592-1122

Subject: Case 2:19-cv-00271-GRB-LGD Document 39-31 Filed 01/03/23 Page 7 of 83 PageID #: 654
Priority: Normal
Status: Completed
Percent Complete: 100%
Start Date: Fri 12/2/2016 12:00:00 AM (UTC)
Due Date: Fri 12/2/2016 12:00:00 AM (UTC)
Owner: Elizabeth Toohig
[FW: Maria's Training](#)

To: Elizabeth Toohig[etoohig@southernwine.com]
Cc: Roy Kohn[royn@southernwine.com]
From: Kevin Randall[krandall@SOUTHERNWINE.com]
Sent: Mon 11/28/2016 7:25:05 PM (UTC)
Subject: FW: Maria's Training

[Pick Pack Status 10.pdf](#)

[Pick Pack Status 40.pdf](#)

[Rcv Rtn Returns not varified as of 11 15.pdf](#)

[Rcv Rtn Returns not varified as of 11 23.pdf](#)

[Stock Locator Status 10.pdf](#)

[Stock Locator Status 65.pdf](#)

[TAsk Management Status 08.pdf](#)

[Task Management Status 10.pdf](#)

[Task Management Status 20.pdf](#)

Beth

Mellissa sent the attached examples of documentation on things that Maria was trained on that she is not doing. We should review and determine next steps in her progressive discipline

Thanks

From: Melissa M. Johnson (Decker)
Sent: Wednesday, November 23, 2016 2:15 PM
To: Kevin Randall; John Wilkinson
Subject: RE: Maria's Training

Here are the scans of all items that have not been done

Each batch has an explanation on the cover page

If you have any questions, feel free to contact me

Thank You

Melissa Johnson

WMI Admin/Inv Control
(T) 315-454-5846

From: Melissa M. Johnson (Decker)
Sent: Wednesday, November 23, 2016 1:44 PM
To: Kevin Randall <krandall@SOUTHERNWINE.com>; John Wilkinson <jwilkinson@southernwine.com>
Subject: RE: Maria's Training

Working on the scans now

Should be to you within half an hour

Thank You

Melissa Johnson

WMI Admin/Inv Control
(T) 315-454-5846

From: Kevin Randall
Sent: Wednesday, November 23, 2016 10:33 AM
To: Melissa M. Johnson (Decker) <MelissaMJohnson@southernwine.com>; John Wilkinson <jwilkinson@southernwine.com>
Subject: RE: Maria's Training

CONFIDENTIAL

SGWS 001878

Thanks

From: Melissa M. Johnson (Decker)
Sent: Wednesday, November 23, 2016 10:08 AM
To: Kevin Randall; John Wilkinson
Subject: Maria's Training

I have documentation on things that Maria was trained on that she is not doing

Who should I send this information to?

Thank You

Melissa Johnson
WMI Admin/Inv Control
(T) 315-454-5846

Subject: Contact 1 on W re Maria Suarez
Priority: Normal
Status: Completed
Percent Complete: 100%
Start Date: Wed 8/24/2016 12:00:00 AM (UTC)
Due Date: Wed 8/24/2016 12:00:00 AM (UTC)
Owner: Elizabeth Toohig

[RE: sitting with daniel](#)

[Fwd: sitting with daniel](#)

[FW: Maria Suarez training](#)

Case 2:19-cv-07271-SRB-LCD Document 39-31 Filed 01/03/23 Page 11 of 83 PageID #: 658

To: Elizabeth Toohig[etoohig@southernwine.com]
Cc: Kevin Randall[krandall@SOUTHERNWINE.com]
From: Roy Kohn[rkohn@southernwine.com]
Sent: Thur 8/18/2016 3:31:41 PM (UTC)
Subject: RE: sitting with daniel

Maria has created a difficult atmosphere with many of the visitor. She consistently tells them that she knows how to do whatever they are discussing, and spends her time in her office. She has been repeatedly told to be on the floor with the “experts”, but chooses to ignore the direction.

This needs HR steering. It is better that you are involved in this during in the process then after the discussions potentially degrade. Unfortunately, Maria has not only acted this way towards Daniel, but she has done the same thing with many others. She lashed out at Melissa Johnson several times telling her that she was not her boss, that she knows way more than her, and that she was going home. My opinion is that Melissa is the most talented WMi user in the country. She was selected to be on the national installation team and has been part of more than 10 startups. If Melissa was willing to teach her while working 80 hours per week in the Metro market, Maria should have been receptive. She chooses not to be engaged.

Last night I was told that she deleted 200+/- items with negative inventory without ever checking the locations. This not only created havoc, it displays that she does not understand the impact of her adjustments. Please stay in the middle of this because I sense the situation will worsen.

From: Elizabeth Toohig
Sent: Thursday, August 18, 2016 7:45 AM
To: Kevin Randall <krandall@SOUTHERNWINE.com>; Roy Kohn <rkohn@southernwine.com>
Subject: RE: sitting with daniel

Once John sits with her and explains what needs to be done he needs to send it to her in an email. If she is not going to follow the new processes it should be documented. Shanieka can help John if he wants it.

Thanks,
Beth

From: Kevin Randall
Sent: Thursday, August 18, 2016 1:48 AM
To: Roy Kohn <rkohn@southernwine.com>
Cc: Elizabeth Toohig <etoohig@southernwine.com>
Subject: Fwd: sitting with daniel

Another example of Maria not working with our out of town guests. They are done working with her.

Sent from my iPhone
Begin forwarded message:

From: John Wilkinson <jwilkinson@southernwine.com>
Date: August 17, 2016 at 4:11:13 PM EDT
To: Kevin Randall <krandall@SOUTHERNWINE.com>
Subject: FW: sitting with daniel

Wow. I'm going to sit with her and explain how this needs to be done. Stinking fire alarm etc , another day of loss productivity

From: Maria Suarez
Sent: Wednesday, August 17, 2016 2:34 PM
To: John Wilkinson <jwilkinson@southernwine.com>
Subject: sitting with daniel

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SGWS 001925

I just want you to know that he didn't teach me anything, had nothing to show to me, just wanted to tell me than I

Maria

To: Roy Kohn[rkohn@southernwine.com]
Cc: Elizabeth Toonig[etoonig@southernwine.com]
From: Kevin Randall[krandall@SOUTHERNWINE.com]
Sent: Thur 8/18/2016 5:47:39 AM (UTC)
Subject: Fwd: sitting with daniel

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Another example of Maria not working with our out of town guests. They are done working with her.

Sent from my iPhone

Begin forwarded message:

From: John Wilkinson <jwilkinson@southernwine.com>
Date: August 17, 2016 at 4:11:13 PM EDT
To: Kevin Randall <krandall@SOUTHERNWINE.com>
Subject: FW: sitting with daniel

Wow. I'm going to sit with her and explain how this needs to be done. Stinking fire alarm etc , another day of loss productivity

From: Maria Suarez
Sent: Wednesday, August 17, 2016 2:34 PM
To: John Wilkinson <jwilkinson@southernwine.com>
Subject: sitting with daniel

I just want you to know that he didn't teach me anything, had nothing to show to me, just wanted to tell me than I am supposed to be on a cherry picker counting behind the cycle counters, also that I am wasting man hours putting Justin to recount behind the others. I take orders from my boss, you tell me what to do.
Maria

To: Roy Kohn[rkohn@southernwine.com]
Cc: Elizabeth Toonig[etoonig@southernwine.com]
From: Kevin Randall[krandall@SOUTHERNWINE.com]
Sent: Thur 8/4/2016 11:24:39 PM (UTC)
Subject: FW: Maria Suarez training

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See read below. We may need counseling

-----Original Message-----

From: Melissa M. Johnson (Decker)
Sent: Thursday, August 04, 2016 5:06 PM
To: Kevin Randall
Cc: EricMeyer@sgws.com; Stephen Fennelly
Subject: Maria Suarez training

Kevin,

I have reached out to Maria a few times to help her with the reconciliation report and her duties as the admin of the system. I have been met with a lot of resistance and do not feel that I have been able to train her very adequately. It seems that all that I tell her she questions if I know what I'm talking about. I am on sure of the reason for the resistance, but I am on able to train her to the best of my abilities. I am on sure how she will be able to accomplish being the admin and keeping up with the system if she's not going to allow for someone to show her The inns and the outs of everything that needs to be done within the system and checked daily.

I just wanted to update you on some of the issues

She has counted multiple items in without doing the proper research of the reason for that meeting the record for 1

She has also counted product out that was on the receiving dock. Tonisha has the information in regards to these palettes and had to re-create them as we physically have the stock in our unaware of why she took them out of your system.

With this system in the breakdown of the personnel and how things will be handled, I believe a meeting needs to be set up with all involved to clarify all duties that are required by each person and reiterate that communication is a key factor in making sure that the system and the inventory are as accurate as possible.

I will be back in the office on Monday morning if you need me to clarify any issues or concerns that I may have

Thank you

Sent from my iPhone

To: Elizabeth Toohig[etoohig@sgws.com]
From: Andrea Metzger[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1A0E3F793F0547B5A8A4F7E2D3D4D47B-ANDREA METZ]
Sent: Tue 11/21/2017 6:30:39 PM (UTC)
Subject: Maria Suarez - Final Warning
[Suarez, Maria_work rules_Final.docx](#)

Beth,
Attached is a final warning for Maria. Please review and advise.

Thank you,

Andrea Metzger, PHR, SHRM-CP
Human Resources Manager



345 Underhill Boulevard
Syosset, NY 11791
Phone: (516) 730-8409
Fax: (516) 977-1735

To: Andrea Metzger[AndreaMetzger@southernwine.com]
From: Elizabeth Toohig[etoohig@southernwine.com]
Sent: Wed 9/6/2017 7:28:39 PM (UTC)
Subject: FW: Melisa Decker Johnson
[Maria Suarez](#)

Case 2:19-cv-07271-GRB-LGD Document 39-31 Filed 01/03/23 Page 16 of 83 PageID #: 663

Thanks,
Beth

From: Elizabeth Toohig
Sent: Friday, September 01, 2017 1:21 PM
To: Shanieka Jean-Charles <shaniekajeancharles@southernwine.com>
Subject: FW: Melisa Decker Johnson

Can you please work with John and draft discipline if necessary? Her previous discipline should be saved in the investigation file. Any questions please let me know.

Thanks,
Beth

From: Kevin Randall
Sent: Friday, September 01, 2017 12:01 PM
To: Elizabeth Toohig <etoohig@southernwine.com>; John Wilkinson <jwilkinson@southernwine.com>
Cc: Roy Kohn <rkohn@southernwine.com>
Subject: RE: Melisa Decker Johnson

Please see John's email attached

From: Elizabeth Toohig
Sent: Friday, September 01, 2017 11:55 AM
To: John Wilkinson <jwilkinson@southernwine.com>; Kevin Randall <krandall@SOUTHERNWINE.com>
Cc: Roy Kohn <rkohn@southernwine.com>
Subject: RE: Melisa Decker Johnson

What was the trigger to have Melissa come back for training? Was it documented? If it was due to errors we should be issuing disciplinary action as she already received a written warning.

Thanks,
Beth

From: John Wilkinson
Sent: Wednesday, August 30, 2017 5:51 PM
To: Kevin Randall <krandall@SOUTHERNWINE.com>
Cc: Elizabeth Toohig <etoohig@southernwine.com>; Roy Kohn <rkohn@southernwine.com>
Subject: RE: Melisa Decker Johnson

I was planning on it.

From: Kevin Randall
Sent: Wednesday, August 30, 2017 5:49 PM
To: John Wilkinson <jwilkinson@southernwine.com>
Cc: Elizabeth Toohig <etoohig@southernwine.com>; Roy Kohn <rkohn@southernwine.com>
Subject: RE: Melisa Decker Johnson

You will need to sit with Maria beforehand to explain. He should work the same hours as Melissa. If Melissa is here to help, Maria should take this opportunity to learn

CONFIDENTIAL

SGWS 001952

From: John Wilkinson

Sent: Wednesday, August 30, 2017 5:38 PM

To: Tonisha Durant <tdurant@southernwine.com>; Amos Heaton <aheaton@southernwine.com>

Cc: Kevin Randall <krandall@SOUTHERNWINE.com>; Stephen Fennelly <sfennelly@SOUTHERNWINE.com>

Subject: RE: Melisa Decker Johnson

Great thanks

From: Tonisha Durant

Sent: Wednesday, August 30, 2017 5:32 PM

To: Amos Heaton <aheaton@southernwine.com>; John Wilkinson <jwilkinson@southernwine.com>

Cc: Kevin Randall <krandall@SOUTHERNWINE.com>; Stephen Fennelly <sfennelly@SOUTHERNWINE.com>

Subject: RE: Melisa Decker Johnson

Thanks Amos

Regards,

Tonisha Durant

WMI Inventory Control Manager

*****SGWS Metro*****

345 Underhill Blvd

Syosset, NY 11791

516-730-3142

(**SGWS**)|""_____
(_Please drink responsibly_)|_ _ _ _ _
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From: Amos Heaton

Sent: Wednesday, August 30, 2017 5:22 PM

To: John Wilkinson <jwilkinson@southernwine.com>

Cc: Kevin Randall <krandall@SOUTHERNWINE.com>; Tonisha Durant <tdurant@southernwine.com>; Stephen Fennelly <sfennelly@SOUTHERNWINE.com>

Subject: RE: Melisa Decker Johnson

She will be there. Thanks

From: John Wilkinson

Sent: Tuesday, August 29, 2017 5:48 PM

To: Amos Heaton <aheaton@southernwine.com>

Cc: Kevin Randall <krandall@SOUTHERNWINE.com>; Tonisha Durant <tdurant@southernwine.com>; Stephen Fennelly <sfennelly@SOUTHERNWINE.com>

Subject: Melisa Decker Johnson

Amos,

Any possibility we could borrow Melissa from 9/11-9/14 for some additional training for Maria?

John Wilkinson

Director of Warehouse

Southern Wine & Spirits of New York, Inc.

Direct 516-730-3677

Mobile 516-592-1122

CONFIDENTIAL

SGWS 001953

To: Shanieka Jean-Charles[shanieka.jeancharles@southernwine.com]
From: Elizabeth Toohig[etoohig@southernwine.com]
Sent: Fri 9/1/2017 5:20:35 PM (UTC)
Subject: FW: Melisa Decker Johnson
[Maria Suarez](#)

Case 2:19-cv-07271-GRB-LGD Document 39-31 Filed 01/03/23 Page 18 of 83 PageID #: 665

Can you please work with John and draft discipline if necessary? Her previous discipline should be saved in the investigation file. Any questions please let me know.

Thanks,
Beth

From: Kevin Randall
Sent: Friday, September 01, 2017 12:01 PM
To: Elizabeth Toohig <etoohig@southernwine.com>; John Wilkinson <jwilkinson@southernwine.com>
Cc: Roy Kohn <rkohn@southernwine.com>
Subject: RE: Melisa Decker Johnson

Please see John's email attached

From: Elizabeth Toohig
Sent: Friday, September 01, 2017 11:55 AM
To: John Wilkinson <jwilkinson@southernwine.com>; Kevin Randall <krandall@SOUTHERNWINE.com>
Cc: Roy Kohn <rkohn@southernwine.com>
Subject: RE: Melisa Decker Johnson

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Sent: Wednesday, August 30, 2017 5:51 PM
To: Kevin Randall <krandall@SOUTHERNWINE.com>
Cc: Elizabeth Toohig <etoohig@southernwine.com>; Roy Kohn <rkohn@southernwine.com>
Subject: RE: Melisa Decker Johnson

I was planning on it.

From: Kevin Randall
Sent: Wednesday, August 30, 2017 5:49 PM
To: John Wilkinson <jwilkinson@southernwine.com>
Cc: Elizabeth Toohig <etoohig@southernwine.com>; Roy Kohn <rkohn@southernwine.com>
Subject: RE: Melisa Decker Johnson

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From: John Wilkinson
Sent: Wednesday, August 30, 2017 5:38 PM
To: Tonisha Durant <tdurant@southernwine.com>; Amos Heaton <aheaton@southernwine.com>
Cc: Kevin Randall <krandall@SOUTHERNWINE.com>; Stephen Fennelly <sfennelly@SOUTHERNWINE.com>
Subject: RE: Melisa Decker Johnson

Great thanks

From: Tonisha Durant

CONFIDENTIAL

SGWS 001961

Sent: Wednesday, August 30, 2017 5:32 PM
To: Amos Heaton <aheaton@southernwine.com>; John Wilkinson <jwilkinson@southernwine.com>
Cc: Kevin Randall <krandall@SOUTHERNWINE.com>; Stephen Fennelly <sfennelly@SOUTHERNWINE.com>
Subject: RE: Melisa Decker Johnson

Thanks Amos

Regards,

Tonisha Durant
WMI Inventory Control Manager
*****SGWS Metro*****

345 Underhill Blvd
Syosset, NY 11791
516-730-3142

(**SGWS**)|"""__
(Please drink responsibly)|_\ |_\ |)
I(@)(@) * * * I(@)(@) (@)

From: Amos Heaton
Sent: Wednesday, August 30, 2017 5:22 PM
To: John Wilkinson <jwilkinson@southernwine.com>
Cc: Kevin Randall <krandall@SOUTHERNWINE.com>; Tonisha Durant <tdurant@southernwine.com>; Stephen Fennelly <sfennelly@SOUTHERNWINE.com>
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Subject: Melisa Decker Johnson

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Direct 516-730-3677
Mobile 516-592-1122

Case 2:19-cv-07271-GRB-LGD Document 39-31 Filed 01/03/23 Page 20 of 83 PageID #: 667

To: Elizabeth Toohig[etoohig@southernwine.com]; John Wilkinson[jwilkinson@southernwine.com]
Cc: Roy Kohn[rkohn@southernwine.com]
From: Kevin Randall[krandall@SOUTHERNWINE.com]
Sent: Fri 9/1/2017 4:01:09 PM (UTC)
Subject: RE: Melisa Decker Johnson
[Maria Suarez](#)

Please see John's email attached

From: Elizabeth Toohig
Sent: Friday, September 01, 2017 11:55 AM
To: John Wilkinson <jwilkinson@southernwine.com>; Kevin Randall <krandall@SOUTHERNWINE.com>
Cc: Roy Kohn <rkohn@southernwine.com>
Subject: RE: Melisa Decker Johnson

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Cc: Elizabeth Toohig <etoohig@southernwine.com>; Roy Kohn <rkohn@southernwine.com>
Subject: RE: Melisa Decker Johnson

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Subject: RE: Melisa Decker Johnson

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Cc: Kevin Randall <krandall@SOUTHERNWINE.com>; Stephen Fennelly <sfennelly@SOUTHERNWINE.com>
Subject: RE: Melisa Decker Johnson

Thanks Amos

Regards,

Tonisha Durant
WMI Inventory Control Manager
SGWS Metro

CONFIDENTIAL

SGWS 001963

(SGWS)I""____
(_Please drink responsibly_)I__ I__ I)
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From: Amos Heaton
Sent: Wednesday, August 30, 2017 5:22 PM
To: John Wilkinson <jwilkinson@southernwine.com>
Cc: Kevin Randall <krandall@SOUTHERNWINE.com>; Tonisha Durant <tdurant@southernwine.com>; Stephen Fennelly <sfennelly@SOUTHERNWINE.com>
Subject: RE: Melisa Decker Johnson

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Sent: Tuesday, August 29, 2017 5:48 PM
To: Amos Heaton <ahendon@southernwine.com>
Cc: Kevin Randall <krandall@SOUTHERNWINE.com>; Tonisha Durant <tdurant@southernwine.com>; Stephen Fennelly <sfennelly@SOUTHERNWINE.com>
Subject: Melisa Decker Johnson

Amos,

Any possibility we could borrow Melissa from 9/11-9/14 for some additional training for Maria?

John Wilkinson
Director of Warehouse
Southern Wine & Spirits of New York, Inc.
Direct 516-730-3677
Mobile 516-592-1122

To: Elizabeth Toohig[etoohig@southernwine.com]
From: Nanette Ellia[NanetteEllia@southernwine.com]
Sent: Mon 5/1/2017 12:54:05 PM (UTC)
Subject: RE: Maria Suarez

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Morning Beth,

Tuesday and Wednesday they will be out of the office, flying back and landing at 1:41 pm on Wednesday...not sure that will be coming back into the office. When I speak to him later I can ask. Thursday he has on his calendar that he plans on going Upstate and will be there Friday as well.

Nanette

From: Elizabeth Toohig
Sent: Monday, May 01, 2017 8:48 AM
To: Nanette Ellia <NanetteEllia@southernwine.com>
Subject: FW: Maria Suarez

Nanette,

Good morning. Can you please let me know if Kevin and Roy have about 90 minutes available on Wednesday or Thursday?

Thanks,
Beth

From: John Wilkinson
Sent: Monday, May 01, 2017 8:26 AM
To: Elizabeth Toohig <etoohig@southernwine.com>
Cc: Kevin Randall <krandall@SOUTHERNWINE.com>; Roy Kohn <rkohn@southernwine.com>
Subject: RE: Maria Suarez

yes

From: Elizabeth Toohig
Sent: Monday, May 01, 2017 8:24 AM
To: John Wilkinson <jwilkinson@southernwine.com>
Cc: Kevin Randall <krandall@SOUTHERNWINE.com>; Roy Kohn <rkohn@southernwine.com>
Subject: RE: Maria Suarez

John,

Do you think you will be ready this week so we can meet and review with Kevin and Roy?

Thanks,
Beth

From: John Wilkinson
Sent: Thursday, April 27, 2017 2:58 PM
To: Elizabeth Toohig <etoohig@southernwine.com>
Cc: Kevin Randall <krandall@SOUTHERNWINE.com>; Roy Kohn <rkohn@southernwine.com>
Subject: Re: Maria Suarez

I will write up the conclusion summary and submit it

John Wilkinson
Director of Warehouse
Southern Wine & Spirits of New York, Inc
Direct 516-730-3677

CONFIDENTIAL

SGWS 001965

On Apr 27, 2017, at 2:44 PM, Elizabeth Toohig <etooig@southernwine.com> wrote:

Good afternoon. The 90 day PIP is currently due for its conclusion summary. John, are you able to present to all your progress during the last 90 days and your recommendations?

Thank you,

Elizabeth Toohig

Vice President, Human Resources & Talent Management

<image003.png>

313 Underhill Blvd

Syosset, NY 11791

Office: 516.730-3754

Cell: 516.578.8223

To: Elizabeth Toohig[etooohig@southernwine.com]
From: John Wilkinson[jwilkinson@southernwine.com]
Sent: Fri 4/21/2017 5:44:43 PM (UTC)
Subject: FW: PIP Meeting from April 13

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FYI

From: John Wilkinson
Sent: Friday, April 21, 2017 1:44 PM
To: 'Maria Suarez' <Msuarz@sgws.com>
Subject: RE: PIP Meeting from April 13

Maria,
This is to review what we met about and discussed with Tonisha today April 13th.

1. Communication you are doing much better and improving at keeping others informed.
2. ZY great shape but still must be reviewed daily.
3. Receiving PO's are up to date only two weeks open. Overdue PO's are in good shape oldest one is from 3/20.
4. Return totes- line returns not good because night shift is not following the rules. Bottle returns are still behind from October. That is a very slow task and the warehouse force has not been able to get them put away.
5. Stock Locator- INVTRSCH has been reduced to around 100 items. That is positive progress. The goal is to get it down to around 20. Very difficult goal with the way the night shift improperly uses the fill case pick for Mod C41
6. Task Management—Have left over tasks each day. We need to get them to zero tasks every day
7. Wave management – great shape
8. Pick/Pack daily—No issue, it's in good shape
9. Reconciliation report—Is currently 1 page long. 20 items
10. Emails—These were kept up to date
11. Scrubbing is at 50%
12. Need another cycle counter

John Wilkinson
Director of Warehouse
Southern Wine & Spirits of New York, Inc.
Direct 516-730-3677
Mobile 516-592-1122

Maria,

This is to review what we met about and discussed with Tonisha today.

1. ZY process was in good shape until today. It will take to the end of the day to clean up. This was caused by a lack of manpower in the bottle room creating many one sided adjustments because we did not pick with headsets. These needed to be corrected by the end of the day so we could go to production. (what we didn't review until the 2/15/17 was that in correcting these you did it incorrectly--- Eric and Tonisha corrected on 2/15/17) (You need to ask for help if you are uncertain on how to correct)--- Instead of CC'ing the items and making one sided adjustments you needed to make ZY adjustments and make sure we didn't affect Sapphire)
2. PO's & Transfer Invoices—They are currently in decent shape. Laura & Debra in receiving are behind and causing this report/process to be behind. Return totes (99) from July – December need to be closed out per Tonisha. All Totes 1,2,3 that belong to the bottle room need to be reviewed. They are located under the mezzanine.
3. Return invoices need to be cleaned up by customer service. You were informed that you need to be more aggressive in sending out emails to make sure CS is doing their jobs properly
4. Stock Locator- you did a lot of clean-up over the weekend. Invt research tote(bucket) is starting to grow to many more items. Please continue to research and drive the number of sku's down. Tonisha stated that they are growing quicker than they are being found and corrected.
5. Task Management—Dates 2/1-2/7 were cleaned out by Tonisha because they were old. Tonisha stated that it's OK to run the SCI report to review these tasks. The reason you gave for falling behind was that the C21 pick module had issues with WIFI and that was most of the counts that were not made or adjusted. After our meeting I spoke with IT and they were addressing the issue. Tonisha stated that task management cycle counts are current and up to date. We discussed get the C41 pick mod cycle counted daily in order to find out which employees are not following the replen process properly. We all agreed that we believe cases are coming off the receiving dock at night and going straight to the pick mod. I asked you to research and prove.
6. Wave management – 2 directs from Friday shortages were all that were open. You stated that you needed Jen's help for research, but she was out.
7. Pick/Pack daily—It is current and being followed up on
8. Reconciliation report—Has become your responsibility and must be kept reconciled
9. Emails—You requested that you get assistance from your team as they are overwhelming. We agreed.

John Wilkinson

Director of Warehouse

Southern Wine & Spirits of New York, Inc.

Direct 516-730-3677

Mobile 516-592-1122

To: Maria Suarez[Msuaraz@sgws.com]
Cc: Elizabeth Toonig[etoonig@southernwine.com]
From: John Wilkinson[jwilkinson@southernwine.com]
Sent: Tue 3/21/2017 10:01:07 PM (UTC)
Subject: PIP review from 2/7/17

Maria,

This is to review what we discussed in our meeting today with Tonisha.

Receiving PO's & transfers>Returns invoices

You stated that PO's are in good shape. There are some status 40 receipts from Nov & Dec but they are being worked on by accounting and that your emails are not always responded to. Tonisha stated that she will help you in that area as she has a good relationship with Jackie. The goal is to have this completed by our next meeting, if not complete I will speak to Tom Romeo to ensure you are receiving the necessary support.

Returns from Sept & Nov still need to be cleaned up. These are issues of totes that need a lot of research before you can close them. Tonisha is going to print a report for you from Sept thru Dec. 31st in order to assist in the cleanup. You stated that this should be cleaned up in about a week.

Task management- you stated is current. Last week Steve Fennelly cancelled some old cycle count tasks and brought you to current (2/2 & 2/3). You stated that you are now current and the assistance that you received from warehousemen to move pallets was helpful to keeping current. Please makes sure that this continues to be current. Going forward this needs to stay current so Steve or Tonisha do not have to delete count tasks.

Cycle counts are up to date and current and scrubbing that was started last Friday 2/3 is continuing.

Wave management is up to date and current. Still having issues with transfers in the receiving department but they are being addressed when they occur. (short shipping and over shipping)

Pick/pack review needs to be handled daily and you are having difficulty getting to it daily, but it is not in bad shape I suggested that you work some extra hours in order to complete the task daily.

Reconciliation report is current as of 2/6/17 and there is just one issue that you will be able to resolve on your own. I expect that will be completed by tomorrow.

John Wilkinson

Director of Warehouse

Southern Wine & Spirits of New York, Inc.

Direct 516-730-3677

Mobile 516-592-1122

Case 2:19-cv-07271-SGB-LGD Document 39-31 Filed 01/03/23 Page 27 of 83 PageID #: 674

To: Elizabeth Toohig[etoohig@southernwine.com]
Cc: Kevin Randall[krandall@SOUTHERNWINE.com], Roy Kohn[rkohn@southernwine.com]
From: John Wilkinson[jwilkinson@southernwine.com]
Sent: Tue 3/21/2017 9:59:05 PM (UTC)
Subject: RE: Maria Suarez

We currently have met on 1/24,(1/31 Tonisha and I had to skip month end) 2/7,2/14, (vacation 2/21 & 2/28), 3/7, (3/14 Tonisha was on vacation), (3/21 Maria on vacation again). To date we have had 4 meetings. Maria has 1/24 sent to her as you were cc'd on. You then asked me to send to you for your review. I made adjustments to 2/7-revised and cannot find my sent email. I will resend it. 2/14 you stated was good and I am sending now. I have submitted 3/7 to you today for your review and will submit to her once you approve. Next week we will review with her this past week that she performed while Tonisha was out. Tonisha and I will meet tomorrow to review our thoughts before Maria returns so we can review with her on Tuesday 3/28.

From: Elizabeth Toohig
Sent: Tuesday, March 21, 2017 3:28 PM
To: John Wilkinson <jwilkinson@southernwine.com>
Cc: Kevin Randall <krandall@SOUTHERNWINE.com>; Roy Kohn <rkohn@southernwine.com>
Subject: RE: Maria Suarez
Importance: High

John,

I still have not received the copies of the emails that you have sent to Maria. The PIP will be null and void if I don't have confirmation that the recaps of your weekly meetings are being sent to her in email and if she is responding or objecting to any of your notes. This step is crucial. There should have been at least 6 meetings since she was out on vacation for two weeks. Please forward by end of day today.

Thanks,
Beth

From: Elizabeth Toohig
Sent: Saturday, March 11, 2017 1:08 PM
To: John Wilkinson <jwilkinson@southernwine.com>
Cc: Kevin Randall <krandall@SOUTHERNWINE.com>; Roy Kohn <rkohn@southernwine.com>
Subject: Maria Suarez

John,

Now that Maria is back from vacation can you please forward to me the email recaps that you sent to Maria after each weekly meeting? Also, can you give us a summary of how Maria is progressing?

Thank you,

Elizabeth Toohig

Vice President, Human Resources & Talent Management



313 Underhill Blvd
Syosset, NY 11791
Office: 516.730-3754
Cell: 516.578.8223

CONFIDENTIAL

SGWS 001976

To: Elizabeth Toohig[etoohig@southernwine.com]
From: John Wilkinson[jwilkinson@southernwine.com]
Sent: Wed 3/1/2017 8:51:31 PM (UTC)
Subject: RE: Maria Suarez

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I know, I am sorry but she has been out on vacation for the last two weeks. I thought I should send them to you when I send them to her. Then again, I can email them to her and then forward to you. She can read when she returns.

From: Elizabeth Toohig
Sent: Wednesday, March 01, 2017 2:06 PM
To: John Wilkinson <jwilkinson@southernwine.com>
Subject: Maria Suarez

Just a reminder that I have not received your email communications to Maria confirming your PIP review meetings.

Thank you,

Elizabeth Toohig
Vice President, Human Resources & Talent Management



313 Underhill Blvd
Syosset, NY 11791
Office: 516.730-3754
Cell: 516.578.8223

Maria,
As discussed in yesterday's meeting with Tonisha Durant we reviewed the following.

1. You made an error on Monday that caused an issue for transfers coming from 225 which also could have affected production but did not because the error occurred before consolidation. You were closing some outstanding tasks from 12/23/16 and had many screens open. One of those screens had tasks from 1/23/17 and you accidentally cancel the task because you thought it was 12/23 and not 1/23. 25 tasks were killed and of those 22 were automatically regenerated by consolidation. The other 3 needed to be worked on by Eric Meyer at night to resolve the issue
2. Open PO's from December are OK per our discussion with Tonisha but you need to keep nagging accounting to fix their end. Also the ones from September that are still open require you to keep sending notices and Tonisha will apply additional pressure to get the matter resolved.
3. You are working on stock locator issues every day and you have moved missing product to "inventory research" category. That category is currently approximately 200 items. Tonisha was OK with consuming items of less than two cases that have no history. I also offered my help and my managers help to locate product if you needed it so we could reduce the 200 items.
4. Task management issues that go back to December you stated would be completed by the end of the day on 1/24/17. Tonisha and I agreed that that would be OK.
5. Cycle counts are ongoing but behind due to the sheer size of all the daily variances. Tonisha and I agreed that it would be a good idea if you completed fewer counts but all counts were reconciled daily. We also stated that updates to the cycle counts for research cannot wait until the end of the day as there is no time to research.
6. Wave management is being handled by Jen Moore for day bills and Barry F is doing the closing of wave management on night bills. Tonisha and I agreed that you should once again take this responsibility over on 2/1/17
7. Pick/Pack is being worked daily. One issue is the Syracuse transfers and we need to find out why the pick tickets are not matching the invoices.
8. You stated that the Z/Y report is being handled daily and when there are issues you receive emails and fix immediately

Tonisha and I stated that while the inventory is not in great or even good shape that you need to keep pushing as hard as you can to clean it up. We offered our assistance again to facilitate any areas that you are running into issues.
We will meet again next Tuesday in order to progress with improvements.

John Wilkinson
Director of Warehouse
Southern Wine & Spirits of New York, Inc.
Direct 516-730-3677
Mobile 516-592-1122

To: Cory Cooper[CoryCooper@southernwine.com]
From: Elizabeth Toohig[etoohig@southernwine.com]
Sent: Mon 1/30/2017 3:22:09 PM (UTC)
Subject: RE: PIP process
[PIP Review Tuesday 1/24/17](#)

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Cory,

I understand completely. The only recap that was not sent was after the initial meeting to review the PIP. After their first review meeting last week a recap was sent. I will advise John to make sure that he sends to me prior to sending to Maria so I can review.

Thanks,
Beth

From: Cory Cooper
Sent: Monday, January 30, 2017 10:05 AM
To: Elizabeth Toohig <etoohig@southernwine.com>
Subject: PIP process

Beth:

Good morning. Just to reiterate the PIP process. For any employee on a PIP, the manager should be reviewing the PIP line by line, thoroughly, with the employee each week (or whenever the agreed upon meeting is taking place). At the conclusion of the meeting, the manager should send the employee an email recapping the discussion, and clearly noting the continued performance deficiencies. This isn't an optional step in our process. Please make sure our HR team understands that and that they are coaching their customers in this way. This email should be sent from the manager to the employee. The manager can then forward to HR and his/her manager, as applicable.

If we need to discuss further with the team, I am happy to do so. This is critical in my opinion.

Thanks Beth.

Cory

To: John Wilkinson[jwilkinson@southernwine.com]; Kevin Randall[krandall@SOUTHERNWINE.com]; Roy Kohn[rkohn@southernwine.com]
From: Elizabeth Toohig[etoohig@southernwine.com]
Sent: Tue 1/3/2017 5:00:42 PM (UTC)
Subject: FW: Suarez - PIP 122316
[Suarez - PIP revised.docx](#)
[Suarez WW 12-16-16.docx](#)

I have attached the recommended written warning and PIP for Maria. Please review and advise when you would like to meet with Maria.

Thanks,
Beth



SOUTHERN GLAZER'S WINE AND SPIRITS

313 Underhill Blvd.
Syosset, NY 11797

Bus: 516.730.3677

John Wilkinson
Warehouse Director

Memo

To: Maria Suarez
From: John Wilkinson
CC: Elizabeth Toohig
Date: December 28, 2016
Subject: Performance Improvement Plan

This memo serves as a follow up to our conversation on December 16, 2016. As we discussed during that meeting, you are being placed on a Written Warning for overall performance deficiencies. In addition, we reviewed the expectations of your position, as well as specific areas in which you are not meeting expectations.

In an effort to assist in your success, you are being placed on a 90 - day performance improvement plan. During the next 90 days, we will meet weekly, on Tuesday's, beginning on January 3, 2017, to review your progress and discuss continued areas of opportunity. These meetings will take place in my office at 9:30 am, after the cycle counters have been assigned their tasks. It is anticipated that you will be fully prepared to discuss your successes and challenges from the previous week. At the conclusion of each meeting we will have an agreed upon action plan for the following week that will be confirmed in email.

Completing Tasks

As the WMI Administrator there are essential tasks that you must complete on a daily basis. These were reviewed and agreed to during our meeting on September 2nd, and are:

- Stock locator report: Ensures all products are in a location that is assigned the correct status.
- Pick/Pack: Ensure that all invoices are picked, packed and shipped when complete. Complete or cancel all items after consulting with the appropriate individuals (Inventory Control Manager, Warehouse Manager, and/or Operations Analyst).
- Cycle Count: Ensure that all counts are reconciled and current. Complete or cancel all items each day after researching each discrepancy.

- ZY: Fix all items that appear on the report.

The following points of completion need to be completed every-other-day. These, too, were reviewed and agreed upon during our meeting on September 2nd. :

- Receiving: Ensure all PO's and transfer invoices are closed when complete. Ensure all return invoices are closed when complete. Complete or cancel all items after consulting with the appropriate individuals (Inventory Control Manager, Warehouse Manager, and/or Operations Analyst).
- Task Management: Ensure that all tasks are completed correctly. Complete or cancel all items after consulting with the appropriate individuals. (Inventory Control Manager, Warehouse Manager, and/or Operations Analyst).
- Wave Managment: ensure that all waves are in the correct status. Complete or cancel all items after consulting with the appropriate individuals. (Inventory Control Manager, Warehouse Manager, and/or Operations Analyst).

At the end of every day if there is a legitimate business reason why these tasks cannot be finalized a call needs to be had with myself and the Inventory Control Manager. In addition, you should create a daily checklist to ensure that all responsibilities are completed daily. Please submit a proposal for the daily checklist by December 30, 2016.

- Discrepancies during cycle counting are not to be adjusted until every location where there is inventory has been counted. **Reminder:** Any adjustment over 20 cases or valued over \$500.00 must be communicated to all of Inventory Control prior to the adjustment. This needs to happen in real time, as discrepancies are identified, and not at the end of the day.

Communication:

As the WMI Administrator, you are required to interact with several other departments and constant, clear, and professional communication is integral to the success of the organization. You are expected to communicate with co-workers any information that will affect their duties in the inventory control processes. This may include, but is not limited to: replying to emails, returning voice mails, sending out email notifications on inventory issues and holding meetings with cycle counters. You must immediately notify me of any obstacles that will prevent you from successfully completing all tasks. Absent you notifying me of any obstacles, the expectation will be that all tasks are completed accurately and efficiently each and every day.

- All inventory discrepancies need to be emailed immediately, and cannot wait until the end of the day. These emails need to be sent to the Inventory Control Manager, Warehouse Manager, Warehouse Director and Operations Analyst.
- You must respond to all email inquiries by the end of each business day. If unable to resolve a specific issue the same day, an email needs to be sent acknowledging receipt and an anticipated time frame for completion needs to be included in that emailed response.

Responsibilities:

- As the WMI Administrator you are responsible for assigning work to all cycle counters. It is also your responsibility to manage the performance of the cycle counter team members and address any concerns immediately. The Day Shift Warehouse Manager must be made aware of all performance related concerns.
- It is imperative that you spend a minimum of 2 – 3 hours per day on the floor conducting research on inventory discrepancies prior to making adjustments. Additionally, you are to ensure that Cycle Counters spend no more than 1 hour at a desk. To oversee the cycle counting process you will be moved from the blue room to the cycle counter office.
- Effective immediately you are required to work from 8:30 am to 6:30 pm until the inventory issues have been resolved. All management employees are expected to work at minimum of 1 full shift when there is weekend work available. As the WMI administrator your presence is required if OT has been approved for cycle counting.

Maria, as your manager, I will support you with this plan; however, the greatest share of the responsibility lies with you. I encourage you to use this plan as an opportunity to improve in the areas noted above. Your attention to detail to ensure accuracy in your work product is of utmost importance.

Please understand that failure to show immediate, significant and sustained improvement in in your overall performance will lead to additional action, up to and including termination of your employment.

If you have any questions or concerns as to what is expected of you, let me know immediately.

Maria Suarez (Date)

John Wilkinson (Date)



SOUTHERN GLAZER'S WINE & SPIRITS OF AMERICA, INC.
RECORD OF DISCIPLINARY ACTION-WRITTEN WARNING
 EMPLOYEE FILE DOCUMENTATION

Employee Name Maria Suarez Employee No. _____ Date of Warning _____
 Date of Hire 12/1/04 Branch Metro Division/Dept WMI

ACTION BEING TAKEN

☒ Written Warning ☐ Final Written Warning ☐ Final Written Warning/Suspension
 _____ days/weeks

PREVIOUS WARNINGS

Date	Type of Warning	By Whom	List previous warnings by date, type (i.e. verbal or written and by whom they are given)
Use below space for additional warnings			

EMPLOYER STATEMENT – INCLUDING PERFORMANCE IMPROVEMENT PLAN

Date of Incident: _____ Time: _____ Place: _____
 (Please describe incident in detail. Include company policies, rules or regulations violated and areas of improvement needed. Please attach supporting documentation if necessary).

On September 2, 2016 you and I met with Human Resources to review performance expectations in your new role as WMI Administrator. I explained at the time that you had not been cooperative with the WMI subject matter experts that had been brought in for training and initial set up. Several errors resulting from this lack of engagement were reviewed with you and we all agreed on job accountabilities.

Additionally it was agreed that Melissa Johnson from Upstate would spend another week with you training on WMI administration. The training took place the week of October 24th. The three of us met at the end of each day to review progress and you indicated your understanding of each defined task. On October 28th we again met with Human Resources and each task was reviewed and you acknowledged proficiency in each and agreed to the defined timeframe.

It is apparent that you are not following the guidelines established and agreed to at the meeting on October 28th. At no time have you requested assistance or informed me that you are not completing the tasks expected of you. I have outlined a few examples:

- It was agreed that cycle count review needed to be accomplished daily and empty at the end of every day. On December 1, 2016 there were well over 100 locations dated from November 10th through November 30th.
- Stock locator report was another daily report that was required to be empty by the end of the day. On December 1st there were 16 items still on the report that had to be corrected by Melissa.
- The task managed report is required to be reviewed 2 to 3 times per week. As of December 1st there are items still showing active since October 22nd through November 22nd.
- Receiving returns report is to be reviewed 2 to 3 times per week. As of December 1st there are items pending from November 22nd.

In addition to you not completing daily and weekly tasks assigned to you, those you are completing contain numerous errors that are costing the company significant dollars as well as additional manpower and extended working hours to correct those errors. More than 30 hours was worked the weekend of December 3rd and 4th to correct your errors.

- On December 2nd you were sent an email from Eric Meyer that on December 1st you did not close a wave properly which sent erroneous ADJ H transactions. You were instructed to contact Melissa for assistance. You did not respond to the email nor did you contact Melissa. On December 5th you were notified that you made the same mistake again.
- On November 30th you were sent the following message, "Moved LPN 45000002782 from OFFTRNHOT into INVTRSCH. LPN has been on QH since 10/7....pretty sure I sent emails about this when it was put on QH." It is your daily responsibility to be cleaning up transfer locations and it is obvious that was not done on this particular transfer.
- On September 2nd my expectations were spelled out that large adjustment must be physically reviewed and researched by you and then communicated to Tonisha, Eric, Steve, Kevin and myself prior to making the adjustment from inventory. I defined a large adjustment to be anything over 20 cases or valued over \$500.00. On November 29th you adjusted inventory on item 31735, Elijah Craig, without physically verifying the location and did not send an email.

Despite retraining and offers by myself, Eric, Tonisha and Melissa to assist you, basic responsibilities of your role as WMI Administrator are being ignored or are being done incorrectly causing a financial burden to the Company and creating a significant increase in work load to your colleagues. Due to these facts you are in violation of Southern Glazer's work rules as noted in the employee handbook, including but not limited to:

- o) An employee must meet equitable productivity standards.
- q) An employee must be efficient, attentive, and may not neglect the performance of job duties and responsibilities.

This is your Written Warning, please be advised that any additional performance deficiencies or violation of Company policy or work rules will result in additional progressive discipline, up to and including termination of your employment.

CONSEQUENCES FOR FUTURE VIOLATIONS OF COMPANY POLICY

Further violations of this or any other Company policy will result in additional discipline up to and including dismissal.

EMPLOYEE STATEMENT

☐ I agree with employer's statement

☐ I disagree with employer's statement
please explain below

I HAVE READ THIS RECORD OF DISCIPLINARY ACTION AND UNDERSTAND IT

Signature of Employee

Date

Signature and Title of Witness

Date

Signature of Manager/Supervisor Issuing Warning

Date



SOUTHERN GLAZER'S WINE AND SPIRITS

313 Underhill Blvd.
Syosset, NY 11797

Bus: 516.730.3677

John Wilkinson
Warehouse Director

Memo

To: Maria Suarez
From: John Wilkinson
CC: Elizabeth Toohig
Date: December 28, 2016
Subject: Performance Improvement Plan

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- Cycle Count: Ensure that all counts are reconciled and current. Complete or cancel all items each day after researching each discrepancy.

- ZY: Fix all items that appear on the report.

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At the end of every day if there is a legitimate business reason why these tasks cannot be finalized a call needs to be had with myself and the Inventory Control Manager. In addition, you should create a daily checklist to ensure that all responsibilities are completed daily. Please submit a proposal for the daily checklist by December 30, 2016.

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Maria, as your manager, I will support you with this plan; however, the greatest share of the responsibility lies with you. I encourage you to use this plan as an opportunity to improve in the areas noted above. Your attention to detail to ensure accuracy in your work product is of utmost importance.

Please understand that failure to show immediate, significant and sustained improvement in in your overall performance will lead to additional action, up to and including termination of your employment.

If you have any questions or concerns as to what is expected of you, let me know immediately.

Maria Suarez (Date)

John Wilkinson (Date)



SOUTHERN GLAZER'S WINE & SPIRITS OF AMERICA, INC.
RECORD OF DISCIPLINARY ACTION-WRITTEN WARNING
 EMPLOYEE FILE DOCUMENTATION

Employee Name Maria Suarez Employee No. _____ Date of Warning _____
 Date of Hire 12/1/04 Branch Metro Division/Dept WMI

ACTION BEING TAKEN

☒ Written Warning ☐ Final Written Warning ☐ Final Written Warning/Suspension
 _____ days/weeks

PREVIOUS WARNINGS

Date	Type of Warning	By Whom	List previous warnings by date, type (i.e. verbal or written and by whom they are given)
Use below space for additional warnings			

EMPLOYER STATEMENT – INCLUDING PERFORMANCE IMPROVEMENT PLAN

Date of Incident: _____ Time: _____ Place: _____
 (Please describe incident in detail. Include company policies, rules or regulations violated and areas of improvement needed. Please attach supporting documentation if necessary).

On September 2, 2016 you and I met with Human Resources to review performance expectations in your new role as WMI Administrator. I explained at the time that you had not been cooperative with the WMI subject matter experts that had been brought in for training and initial set up. Several errors resulting from this lack of engagement were reviewed with you and we all agreed on job accountabilities.

Additionally it was agreed that Melissa Johnson from Upstate would spend another week with you training on WMI administration. The training took place the week of October 24th. The three of us met at the end of each day to review progress and you indicated your understanding of each defined task. On October 28th we again met with Human Resources and each task was reviewed and you acknowledged proficiency in each and agreed to the defined timeframe.

It is apparent that you are not following the guidelines established and agreed to at the meeting on October 28th. At no time have you requested assistance or informed me that you are not completing the tasks expected of you. I have outlined a few examples:

- It was agreed that cycle count review needed to be accomplished daily and empty at the end of every day. On December 1, 2016 there were well over 100 locations dated from November 10th through November 30th.
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In addition to you not completing daily and weekly tasks assigned to you, those you are completing contain numerous errors that are costing the company significant dollars as well as additional manpower and extended working hours to correct those errors. More than 30 hours was worked the weekend of December 3rd and 4th to correct your errors.

- On December 2nd you were sent an email from Eric Meyer that on December 1st you did not close a wave properly which sent erroneous ADJ H transactions. You were instructed to contact Melissa for assistance. You did not respond to the email nor did you contact Melissa. On December 5th you were notified that you made the same mistake again.
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Despite retraining and offers by myself, Eric, Tonisha and Melissa to assist you, basic responsibilities of your role as WMI Administrator are being ignored or are being done incorrectly causing a financial burden to the Company and creating a significant increase in work load to your colleagues. Due to these facts you are in violation of Southern Glazer's work rules as noted in the employee handbook, including but not limited to:

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This is your Written Warning, please be advised that any additional performance deficiencies or violation of Company policy or work rules will result in additional progressive discipline, up to and including termination of your employment.

CONSEQUENCES FOR FUTURE VIOLATIONS OF COMPANY POLICY

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EMPLOYEE STATEMENT

☐

I agree with employer's statement

☐

I disagree with employer's statement
please explain below

I HAVE READ THIS RECORD OF DISCIPLINARY ACTION AND UNDERSTAND IT

Signature of Employee

Date

Signature and Title of Witness

Date

Signature of Manager/Supervisor Issuing Warning

Date



SOUTHERN GLAZER'S WINE AND SPIRITS

313 Underhill Blvd.
Syosset, NY 11797

Bus: 516.730.3677

John Wilkinson
Warehouse Director

Memo

To: Maria Suarez
From: John Wilkinson
CC: Elizabeth Toohig
Date: December 28, 2016
Subject: Performance Improvement Plan

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- Task Management: Ensure that all tasks are completed correctly. Complete or cancel all items after consulting with the appropriate individuals. (Inventory Control Manager, Warehouse Manager, and/or Operations Analyst).
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At the end of every day if there is a legitimate business reason why these tasks cannot be finalized a call needs to be had with myself and the Inventory Control Manager. In addition, you should create a daily checklist to ensure that all responsibilities are completed daily. Please submit a proposal for the daily checklist by December 30, 2016.

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Communication:

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Responsibilities:

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Maria, as your manager, I will support you with this plan; however, the greatest share of the responsibility lies with you. I encourage you to use this plan as an opportunity to improve in the areas noted above. Your attention to detail to ensure accuracy in your work product is of utmost importance.

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Maria Suarez (Date)

John Wilkinson (Date)



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 EMPLOYEE FILE DOCUMENTATION

Employee Name Maria Suarez Employee No. _____ Date of Warning _____
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EMPLOYEE STATEMENT

☐ I agree with employer's statement

☐ I disagree with employer's statement
please explain below

I HAVE READ THIS RECORD OF DISCIPLINARY ACTION AND UNDERSTAND IT

Signature of Employee

Date

Signature and Title of Witness

Date

Signature of Manager/Supervisor Issuing Warning

Date



SOUTHERN GLAZER'S WINE AND SPIRITS

313 Underhill Blvd.
Syosset, NY 11797

Bus: 516.730.3677

John Wilkinson
Warehouse Director

Memo

To: Maria Suarez
From: John Wilkinson
CC: Elizabeth Toohig
Date: December 22, 2016
Subject: Performance Improvement Plan

This memo serves as a follow up to our conversation on December 16, 2016. As we discussed during that meeting, you are being placed on a Written Warning for overall performance deficiencies. In addition, we reviewed the expectations of your position, as well as specific areas in which you are not meeting expectations.

In an effort to assist in your success, you are being placed on a 90 - day performance improvement plan. During the next 90 days, we will meet every Tuesday at (insert time here), beginning on December 27, 2016. This meeting is mandatory and we will review your progress in each of the areas outlined below:

Completing Tasks

As the WMI Administrator there are essential tasks that you must complete on a daily basis. These were reviewed and agreed to during our meeting on September 2nd, and are:

- Stock locator report: (add details as to what this means so any person reading this document can understand the expectation)
- Pick/Pack: (add details as to what this means so any person reading this document can understand the expectation)
- Cycle Count: (add details as to what this means so any person reading this document can understand the expectation)
- ZY: (add details as to what this means so any person reading this document can understand the expectation)

The following points of completion need to be completed every-other-day. These, too, were reviewed and agreed upon during our meeting on September 2nd. :

- Receiving Same details as above
- Task Management
- Wave Managment

At the end of every day if there is a legitimate business reason why these reports cannot be finalized a call needs to be had with myself and Tonisha. In addition, you should create a daily checklist to ensure that all responsibilities are completed daily. Please submit a proposal by December 30, 2016.

- Discrepancies during cycle counting are not to be adjusted until every location where there is inventory has been counted. **Reminder:** Any adjustment over 20 cases or valued over \$500.00 must be communicated to all of Inventory Control prior to the adjustment. This needs to happen in real time, as discrepancies are identified, and not at the end of the day.

Communication:

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Responsibilities:

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- It is imperative that you spend a minimum of 2 – 3 hours per day conducting research on the floor. Additionally, you are to ensure that Cycle Counters spend no more than 1 hour at a desk. To oversee this process you will be moved from the blue room to the cycle counter office.

- Effective immediately you are required to work from 8:30 am to 6:30 pm until the inventory issues have been resolved. All management employees are expected to work at minimum of 1 full shift when there is weekend work available. As the WMI administrator your presence is required if OT has been approved for cycle counting.

Maria, as your manager, I will support you with this plan; however, the greatest share of the responsibility lies with you. I encourage you to use this plan as an opportunity to improve in the areas noted above. Your attention to detail to ensure accuracy in your work product is of utmost importance.

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If you have any questions or concerns as to what is expected of you, let me know immediately.

Maria Suarez (Date)

John Wilkinson (Date)



SOUTHERN GLAZER'S WINE AND SPIRITS

313 Underhill Blvd.
Syosset, NY 11797

Bus: 516.730.3677

John Wilkinson
Warehouse Director

Memo

To: Maria Suarez
From: John Wilkinson
CC: Elizabeth Toohig
Date: December 28, 2016
Subject: Performance Improvement Plan

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RECORD OF DISCIPLINARY ACTION-WRITTEN WARNING
 EMPLOYEE FILE DOCUMENTATION

Employee Name Maria Suarez Employee No. _____ Date of Warning _____
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- Task Management: Ensure that all tasks are completed correctly. Complete or cancel all items after consulting with the appropriate individuals. (Inventory Control Manager, Warehouse Manager, and/or Operations Analyst).
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At the end of every day if there is a legitimate business reason why these tasks cannot be finalized a call needs to be had with myself and the Inventory Control Manager. In addition, you should create a daily checklist to ensure that all responsibilities are completed daily. Please submit a proposal for the daily checklist by December 30, 2016.

- Discrepancies during cycle counting are not to be adjusted until every location where there is inventory has been counted. **Reminder:** Any adjustment over 20 cases or valued over \$500.00 must be communicated to all of Inventory Control prior to the adjustment. This needs to happen in real time, as discrepancies are identified, and not at the end of the day.

Communication:

As the WMI Administrator, you are required to interact with several other departments and constant, clear, and professional communication is integral to the success of the organization. You are expected to communicate with co-workers any information that will affect their duties in the inventory control processes. This may include, but is not limited to: replying to emails, returning voice mails, sending out email notifications on inventory issues and holding meetings with cycle counters. You must immediately notify me of any obstacles that will prevent you from successfully completing all tasks. Absent you notifying me of any obstacles, the expectation will be that all tasks are completed accurately and efficiently each and every day.

- All inventory discrepancies need to be emailed immediately, and cannot wait until the end of the day. These emails need to be sent to the Inventory Control Manager, Warehouse Manager, Warehouse Director and Operations Analyst.
- You must respond to all email inquiries by the end of each business day. If unable to resolve a specific issue the same day, an email needs to be sent acknowledging receipt and an anticipated time frame for completion needs to be included in that emailed response.

Responsibilities:

- As the WMI Administrator you are responsible for assigning work to all cycle counters. It is also your responsibility to manage the performance of the cycle counter team members and address any concerns immediately. The Day Shift Warehouse Manager must be made aware of all performance related concerns.
- It is imperative that you spend a minimum of 2 – 3 hours per day on the floor conducting research on inventory discrepancies prior to making adjustments. Additionally, you are to ensure that Cycle Counters spend no more than 1 hour at a desk. To oversee the cycle counting process you will be moved from the blue room to the cycle counter office.
- Effective immediately you are required to work from 8:30 am to 6:30 pm until the inventory issues have been resolved. All management employees are expected to work at minimum of 1 full shift when there is weekend work available. As the WMI administrator your presence is required if OT has been approved for cycle counting.

Maria, as your manager, I will support you with this plan; however, the greatest share of the responsibility lies with you. I encourage you to use this plan as an opportunity to improve in the areas noted above. Your attention to detail to ensure accuracy in your work product is of utmost importance.

Please understand that failure to show immediate, significant and sustained improvement in in your overall performance will lead to additional action, up to and including termination of your employment.

If you have any questions or concerns as to what is expected of you, let me know immediately.

Maria Suarez (Date)

John Wilkinson (Date)



SOUTHERN GLAZER'S WINE AND SPIRITS

313 Underhill Blvd.
Syosset, NY 11797

Bus: 516.730.3677

John Wilkinson
Warehouse Director

Memo

To: Maria Suarez
From: John Wilkinson
CC: Elizabeth Toohig
Date: December 22, 2016
Subject: Performance Improvement Plan

This memo serves as a follow up to our conversation on December 16, 2016. As we discussed during that meeting, you are being placed on a Written Warning for overall performance deficiencies. In addition, we reviewed the expectations of your position, as well as specific areas in which you are not meeting expectations.

In an effort to assist in your success, you are being placed on a 90 - day performance improvement plan. During the next 90 days, we will meet every Tuesday at (insert time here), beginning on December 27, 2016. This meeting is mandatory and we will review your progress in each of the areas outlined below:

Completing Tasks

As the WMI Administrator there are essential tasks that you must complete on a daily basis. These were reviewed and agreed to during our meeting on September 2nd, and are:

- Stock locator report: (add details as to what this means so any person reading this document can understand the expectation)
- Pick/Pack: (add details as to what this means so any person reading this document can understand the expectation)
- Cycle Count: (add details as to what this means so any person reading this document can understand the expectation)
- ZY: (add details as to what this means so any person reading this document can understand the expectation)

The following points of completion need to be completed every-other-day. These, too, were reviewed and agreed upon during our meeting on September 2nd. :

- Receiving Same details as above
- Task Management
- Wave Managment

At the end of every day if there is a legitimate business reason why these reports cannot be finalized a call needs to be had with myself and Tonisha. In addition, you should create a daily checklist to ensure that all responsibilities are completed daily. Please submit a proposal by December 30, 2016.

- Discrepancies during cycle counting are not to be adjusted until every location where there is inventory has been counted. **Reminder:** Any adjustment over 20 cases or valued over \$500.00 must be communicated to all of Inventory Control prior to the adjustment. This needs to happen in real time, as discrepancies are identified, and not at the end of the day.

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Maria, as your manager, I will support you with this plan; however, the greatest share of the responsibility lies with you. I encourage you to use this plan as an opportunity to improve in the areas noted above. Your attention to detail to ensure accuracy in your work product is of utmost importance.

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If you have any questions or concerns as to what is expected of you, let me know immediately.

Maria Suarez

(Date)

John Wilkinson

(Date)



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313 Underhill Blvd.
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Bus: 516.730.3677

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Going forward, I need to see overall improvement in the following areas:

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- The following points of completion need to be completed daily:
 - Stock locator report
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Please understand that failure to show immediate, signification improvement in the areas mentioned above my result in further corrective action up to and including termination or your employment.

If you have any questions or concerns, please do not hesitate to let me know.

Maria Suarez (Date)

John Wilkinson (Date)

To: Melissa M. Johnson (Decker)[MelissaM.Johnson@southernwine.com]; Tonisha Durant[t.durant@southernwine.com]
Cc: Roy Kohn[r.kohn@southernwine.com]
From: Elizabeth Toohig[etoohig@southernwine.com]
Sent: Thur 12/22/2016 1:22:05 PM (UTC)
Subject: Performance Improvement Plan - CONFIDENTIAL
[Suarez - PIP 12-16.docx](#)

Good morning. Can you please review the attached performance improvement plan for accuracy? Let me know if anything should be added. Thanks!!

Thank you,

Elizabeth Toohig

Vice President, Human Resources & Talent Management



313 Underhill Blvd
Syosset, NY 11791
Office: 516.730-3754
Cell: 516.578.8223



SOUTHERN GLAZER'S WINE AND SPIRITS

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Bus: 516.730.3677

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Maria Suarez (Date)

John Wilkinson (Date)

To: John Wilkinson[jwilkinson@southernwine.com]; Kevin Randall[krandall@SOUTHERNWINE.com]; Roy Kohn[rkohn@southernwine.com]
From: Elizabeth Toohig[etoohig@southernwine.com]
Sent: Wed 12/21/2016 7:05:14 PM (UTC)
Subject: Suarez - PIP 12-16
[Suarez - PIP 12-16.docx](#)

I have attached a draft of Maria's PIP. Please check for accuracy and if I am missing any components. I need to submit to legal for final approval. Please get back to me by the end of the day. Thanks!!

Beth



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313 Underhill Blvd.
Syosset, NY 11797

Bus: 516.730.3677

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Warehouse Director

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CC: Elizabeth Toohig
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Please understand that failure to show immediate, signification improvement in the areas mentioned above my result in further corrective action up to and including termination or your employment.

If you have any questions or concerns, please do not hesitate to let me know.

Maria Suarez (Date)

John Wilkinson (Date)

I would like to finalize the discussions regarding the Warehouse restructuring, and I rely on your good judgement to successfully guide the process. I know there will be some vetting, but I would like to schedule time to review the transformation.

Current warehouse leadership does not have the necessary skillset to properly manage the changes that have been implemented in the Metro facility. Several people on the managerial staff are not taking the required initiative to encourage growth, develop bench strength, or to promote safe work habits and practices. These associates are not driven with a sense of urgency. They are not performance minded, and they do not hold their subordinates accountable for nonperformance.

I went to the outside and found candidates that have/will instill management's message of accountability, productivity, and safety. These individuals have relevant fast paced experience with positive viewpoints on change. They are safety minded, accountable, and technologically savvy.

In the last month I hired the following individual as a replacement for a vacant position.

- Joseph Caracciola- Night Production Supervisor

The following individuals have accepted offers, and their start dates are within the next two weeks:

- Gary Moncho- Assistant Night Manager
- Nicholas Meyer- Night Manager

The following individuals should be in process this upcoming week:

- Peter Lazar- Mid Shift Manager
- Carlos Lainez- Operations Analyst
- Tyler Holt- Operations Analyst

Surely, this is not one sided. There are people that will not survive the reorganization. I expect the following associates will be affected by the restructuring RIF.

- John Wilkinson- Director Warehousing. The position will be eliminated, and the Day, Mid, and Night management positions will report directly to Kevin Randall.
- Chris Sheridan- Day Warehouse Supervisor. Chris is not able to grasp the necessary components of his position post WMi.
- Derek Grant- Night Supervisor. Derek lacks the initiative, work ethic, and drive to remain a production supervisor.
- Linda Lindbanner- Night Supervisor. Linda lacks the initiative, work ethic, and drive to remain a production supervisor.
- Robert Spohr- Mid shift Supervisor. Robert lacks the ability to comprehend the necessary changes in his responsibilities post WMi. He also has not embraced the cultural shift to operate in a more safe environment.

- Maria Suarez is the WMi administrator. She is currently staging through progressive discipline for her failure to control the perpetual inventory and her staunch reluctance to take part in training. She has created one sided adjustments and has written off large amounts of inventory in error. If Maria is removed from her position, I would replace her with Barry Finkelstein who is well versed in WMi and its impact on the perpetual

I would like to promote Doug Oresto and Heather King who currently hold WMi Trainee positions. I would promote them both to Supervisor positions. They have strong technical skillsets and have proven to be totally engaged in advancing SGWS's interests. I would like to transfer Javier Alvarado from Nights to Days to replace Chris Sheridan's vacated position. I would remove Larry Callahan from Nights and put him in the 225 Underhill Boulevard property to manage the facility, as it is currently managed by a Working Foreman. I would promote John Podlas to Assistant Night Manager from his current position of Night Supervisor. Finally, I would have management reassess Tom Heffel, a Night Supervisor, on his overall capabilities.

There are a few other less impactful changes, like transferring Amanda Herron from Syosset to Linden NJ, and adjusting Sean Kelly's responsibilities, but as I said they are less significant.

Last year, Steve Fennelly transferred from Syracuse to Syosset to support the warehouse transformation, to help install WMi, and to manage the Night Shift. I would like to extend Steve's tenure in Metro and offer him a Day management position.

I would like to talk through the changes, the timeline, and the next steps. Thank you in advance for your assistance with this.

To: Roy Kohn[rkohn@southernwine.com]; Kevin Randall[krandall@SOUTHERNWINE.com]
Cc: Cory Cooper[CoryCooper@southernwine.com]
From: Elizabeth Toohig[etoohig@southernwine.com]
Sent: Tue 12/6/2016 8:39:43 PM (UTC)
Subject: RE: This needs to stop
[Suarez FWW 12-6-16.docx](#)

I have taken the information provided to me and received additional details from Eric and documented them into a final written warning. Please advise if John will be issuing the warning? Since I have been involved from the beginning I can sit in for HR. Let me know what you want to do next.

Any questions or additional information you wanted included, please let me know.

Thanks,
Beth

From: Cory Cooper
Sent: Tuesday, December 06, 2016 2:55 PM
To: Roy Kohn <rkohn@southernwine.com>
Cc: Kevin Randall <krandall@SOUTHERNWINE.com>; Elizabeth Toohig <etoohig@southernwine.com>
Subject: Re: This needs to stop

Roy:

Got it. I think we agreed on a plan, right? I need to leave at 4:30p, but if you all want to get together before, please let me know.

Thanks,

CC

Sent from my iPhone
On Dec 6, 2016, at 12:16 PM, Roy Kohn <rkohn@southernwine.com> wrote:

The severity of this matter continues to grow.

From: Kevin Randall
Sent: Tuesday, December 06, 2016 12:12 PM
To: Elizabeth Toohig <etoohig@southernwine.com>
Cc: Roy Kohn <rkohn@southernwine.com>
Subject: FW: This needs to stop

I need to block Maria's rights to the system

From: Melissa M. Johnson (Decker)
Sent: Tuesday, December 06, 2016 12:09 PM
To: John Wilkinson
Cc: Kevin Randall; Tonisha Durant
Subject: This needs to stop

Again-Another invoice that was closed incorrectly

See below

The wave(20161205088) is not complete

Nothing should be touched as being completed until EVERYTHING is picked

<image001.jpg>

CONFIDENTIAL

SGWS 002063

Thank You

Melissa Johnson

WMI Admin/Inv Control

(T) 315-454-5846

Case 2:19-cv-07271-GRB-LGD Document 39-31 Filed 01/03/23 Page 80 of 83 PageID #: 727

To: Elizabeth Toohig[etoohig@southernwine.com]
Cc: Roy Kohn[rkohn@southernwine.com]; Kevin Randall[krandall@SOUTHERNWINE.com]
From: Cory Cooper[CoryCooper@southernwine.com]
Sent: Mon 12/5/2016 10:25:15 PM (UTC)
Subject: Re: Maria Suarez - part 3

Absolutely.

Sent from my iPhone

On Dec 5, 2016, at 5:21 PM, Elizabeth Toohig <etoohig@southernwine.com> wrote:

I drafted paperwork with an aggressive proposal of termination. Can we find a few minutes while you are here tomorrow to discuss?

Thanks,
Beth

From: Cory Cooper
Sent: Monday, December 05, 2016 8:10 AM
To: Roy Kohn <rkohn@southernwine.com>
Cc: Elizabeth Toohig <etoohig@southernwine.com>; Kevin Randall <krandall@SOUTHERNWINE.com>
Subject: Re: Maria Suarez - part 3

Thank you for all of the current updates, Roy. I look forward to seeing the performance management documentation currently in her file and working with Beth and you all to get resolution.

Cory

On Dec 5, 2016, at 7:39 AM, Roy Kohn <rkohn@southernwine.com> wrote:

After working on the data Saturday and Sunday, Tonisha and Melissa were able to reduce the \$1.7 million variance to \$135K. Retracing and undoing each transaction is laborious, and without a doubt unfortunate. They were able to focus on the major issues, but there is more work still to be done. There is nothing keeping Maria from continuing to make these errors if she is allowed to continue to make adjustments in the system. This needs to be a top priority for us today please.

From: Roy Kohn
Sent: Saturday, December 03, 2016 7:43 AM
To: Elizabeth Toohig <etoohig@southernwine.com>; Cory Cooper <CoryCooper@southernwine.com>
Cc: Kevin Randall <krandall@SOUTHERNWINE.com>
Subject: Maria Suarez - part 2
Importance: High

It is obvious that dedication to proper accounting procedures and detailed knowledge of the system can provide stability and sound inventory management. The below note and the attached file reflects the work Tonisha Durant coordinated at the end of November. You will see the reconciliation report lists just a page of items with a variance of \$14K. After Maria's issues covered in my earlier letter, the variance has spiked 100-fold in the span of a few days.

From: Roy Kohn
Sent: Monday, November 28, 2016 7:54 AM
To: Tonisha Durant <tdurant@southernwine.com>

SGWS 002068

Subject: FW: Inventory Reconciliation Report - NYM
Importance: High

Fantastic job getting this down to a manageable number of items.

From: NYM - WMI user for NY Metro [<mailto:NYMWMI@SOUTHERNWINE.COM>]

Sent: Monday, November 28, 2016 7:53 AM

To: NYM WMI Inventory Reconciliation <NYMWMIInventoryreconciliation@southernwine.com>; Daniel Vogel <dvogel@southernwine.com>; Marino Ariza <mariza@southernwine.com>; Patricia Cooper <pcooper@southernwine.com>

Subject: Inventory Reconciliation Report - NYM

Importance: High

Attached is the WMS Inventory Discrepancies Report by Warehouse.

To: Elizabeth Toohig[etoohig@southernwine.com]; Cory Cooper[CoryCooper@southernwine.com]
Cc: Kevin Randall[krandall@SOUTHERNWINE.com]
From: Roy Kohn[rkohn@southernwine.com]
Sent: Sat 12/3/2016 12:05:38 PM (UTC)
Subject: Maria Suarez - severe performance matters
[Inventory Reconciliation Report - NYM](#)
[FW: Maria's Training](#)
[FW: Maria closing waves](#)

Good Saturday morning Beth and Cory,

A WMi administrator must be diligent and thorough in order to maintain proper controls and to protect the company. Tonisha Durant, Eric Meyer, and Melissa Johnson have continuously had to intercede to “clean up” errors or misunderstandings created by Maria Suarez. Over the last couple of weeks Tonisha, Eric, and Melissa were able to unwind errors and reduce the WMi-Sapphire reconciliation report to a single page. It was a tremendous amount of work to identify, document, and to undo the errors. Yesterday, Eric Meyer, Melissa Johnson, and Tonisha Durant noticed that the reconciliation report spiked many thousands of cases and they looked into the root causes. Apparently, Maria has continued to make single sided adjustments which erroneously adjusted inventory levels creating a financial loss to the company. These adjustments modify the perpetual inventory and create havoc in the warehouse, for our salesforce, and for our customers.

I understand that Maria Suarez has rejected support and makes it clear that she knows what she is doing. Maria may be aware of certain WMi basics, but one sided adjustments are an accounting and auditing red flag. I have attached notes from Melissa and Eric, and I have also included this morning's reconciliation report detailing huge discrepancies which her adjustments created.

I need Maria to immediately stop making adjustments to the WMi and Sapphire inventories. The damaged this has caused is insurmountable. I realize that if she cannot make adjustments that her functions and capacity to do her job will be limited or totally negated, but she has again created a significant financial impairment for the company. Melissa, Eric, and Tonisha will be attempting to reconcile Maria's adjustments and correct them today and tomorrow. I am grateful this team will be here on Saturday and Sunday to support the company, but this behavior must cease. I would like to remove Maria's ability to make these adjustments, and finalize the operational restructuring of the facility next week when you are both here.

Kevin Randall and I need your support to help us protect the company.

To: Kevin Randall[krandall@SOUTHERNWINE.com]
Cc: Elizabeth Toonig[etoonig@southernwine.com]
From: Roy Kohn[rkohn@southernwine.com]
Sent: Thur 8/4/2016 11:27:15 PM (UTC)
Subject: Re: Maria Suarez training

Case 2:19-cv-07271-GRB-LGD Document 39-31 Filed 01/03/23 Page 83 of 83 PageID #: 730

Melissa is probably the best and most knowledgeable user/trainer in the country. Beth, we need an intervention ASAP.

> On Aug 4, 2016, at 7:24 PM, Kevin Randall <krandall@SOUTHERNWINE.com> wrote:

>

> See read below. We may need counseling

>

> -----Original Message-----

> From: Melissa M. Johnson (Decker)

> Sent: Thursday, August 04, 2016 5:06 PM

> To: Kevin Randall

> Cc: EricMeyer@sgws.com; Stephen Fennelly

> Subject: Maria Suarez training

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> Kevin,

> I have reached out to Maria a few times to help her with the reconciliation report and her duties as the admin of the system. I have been met with a lot of resistance and do not feel that I have been able to train her very adequately. It seems that all that I tell her she questions if I know what I'm talking about. I am on sure of the reason for the resistance, but I am on able to train her to the best of my abilities. I am on sure how she will be able to accomplish being the admin and keeping up with the system if she's not going to allow for someone to show her The inns and the outs of everything that needs to be done within the system and checked daily.

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> I just wanted to update you on some of the issues

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> She has counted multiple items in without doing the proper research of the reason for that meeting the record for 1

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> She has also counted product out that was on the receiving dock. Tonisha has the information in regards to these palettes and had to re-create them as we physically have the stock in our unaware of why she took them out of your system.

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> With this system in the breakdown of the personnel and how things will be handled, I believe a meeting needs to be set up with all involved to clarify all duties that are required by each person and reiterate that communication is a key factor in making sure that the system and the inventory are as accurate as possible.

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> I will be back in the office on Monday morning if you need me to clarify any issues or concerns that I may have

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> Thank you

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> Sent from my iPhone